

House File 296

H-1425

1 Amend the Senate amendment, H-1417, to House File 296, as
2 amended, passed, and reprinted by the House, as follows:

3 1. Page 1, after line 20 by inserting:

4 <DIVISION ____
5 DRUG OVERDOSE PREVENTION AND CRIME VICTIM ASSISTANCE —
6 IMMUNITY

7 Sec. ____ . Section 123.46, Code 2017, is amended by adding
8 the following new subsection:

9 NEW SUBSECTION. 7. A person shall not be charged or
10 prosecuted for a violation of this section if the person is
11 immune from charge or prosecution pursuant to section 701.12.

12 Sec. ____ . Section 123.47, Code 2017, is amended by adding
13 the following new subsection:

14 NEW SUBSECTION. 9. A person shall not be charged or
15 prosecuted for a violation of subsection 3 or 4 if the person
16 is immune from charge or prosecution pursuant to section
17 701.12.

18 Sec. ____ . Section 124.401, Code 2017, is amended by adding
19 the following new subsection:

20 NEW SUBSECTION. 6. A person shall not be charged or
21 prosecuted for a violation of subsection 5 if the person is
22 immune from charge or prosecution pursuant to section 701.12.

23 Sec. ____ . Section 124.414, Code 2017, is amended by adding
24 the following new subsection:

25 NEW SUBSECTION. 4. A person shall not be charged or
26 prosecuted for a violation of this section if the person is
27 immune from charge or prosecution pursuant to section 701.12.

28 Sec. ____ . NEW SECTION. 701.12 **Persons seeking emergency**
29 **assistance for overdose or crime victims — immunity.**

30 1. A person shall not be charged or prosecuted for the
31 violation of any of the following offenses if the evidence
32 for the charge was obtained as a result of the person in good
33 faith seeking emergency assistance for the person or another
34 person due to an alcohol or drug-related overdose or because
35 the person or other person is a victim of a crime prohibited by

1 chapter 708, 709, or 710A:

2 a. Section 123.46.

3 b. Section 123.47, subsection 3 or 4.

4 c. Section 124.401, subsection 5.

5 d. Section 124.414.

6 2. To be eligible for immunity under this section, the
7 reporting person, or persons acting in concert, must do all of
8 the following:

9 a. Be the first person to seek emergency assistance.

10 b. Provide the reporting person's name and contact
11 information to medical or law enforcement personnel.

12 c. Remain on the scene until assistance arrives or is
13 provided.

14 d. Cooperate with medical and law enforcement personnel.

15 3. The person for whom emergency assistance was sought as
16 described in subsection 1 shall not be charged or prosecuted
17 for an offense listed in subsection 1.>>

18 2. Page 1, line 22, after <prescriptions,> by inserting
19 <granting immunity from certain prosecutions,>

20 3. By renumbering as necessary.

ISENHART of Dubuque

ABDUL-SAMAD of Polk